HARVARD LAW REVIEW.

Published monthly, during the Academic Year, by Harvard Law Students.

SUBSCRIPTION PRICE, $2.50 PER ANNUM. . . . . 35 CENTS PER NUMBER.

THE LAW SCHOOL. — After thirty years of continuous service Professor Langdell has resigned from the Faculty of the Law School, becoming a Professor Emeritus. A desire to devote all of his time to writing has prompted this move. It is needless to say that he will be greatly missed. For a generation he has given to this school the best of his energy and genius; and it is chiefly to his initiative that the preëminence of the Harvard Law School can be ascribed. Here the "case system" of studying law was originated — the invention of Professor Langdell — and here it was first put into practice. This was the first law school to suggest that its students should be college graduates and to make that suggestion a reality. These far-reaching principles are the fruits of Professor Langdell's genius: their consummation is, in the main, the result of his foresight, energy, and perseverance.

There are this year, as usual, some changes in the curriculum of the school. In consequence of Professor Langdell's retirement, Equity II. has been omitted this year. Equity III. is in charge of Professor Ames and has been thrown open to second year students. Carriers and Admiralty have been separated, and each is to be a half course, the latter under Professor Ames. Two new extra courses are given, Civil Law of Spain and the Spanish Colonies, by Professor Strobel, and Administrative Law, by Mr. Wyman, LL. B. 1900. Roman Law, Patent Law, and the Interpretation of Statutes are as last year omitted. So also is Massachusetts Practice, in the place of which the course on the New York Code is to be given by Mr. Rounds. The work of Property I. and Property II. is divided between Professor Gray and Assistant Professor Westengard. Professor Williston and Mr. Dodge, who in former years taught in the School, are together giving first year contracts. Mr. Peabody, LL. B. 1898, is assisting Professor Beale in Criminal Law. Pro-

fessor Williston has resumed charge of Sales, and Professor Brannan is giving Damages. All first year and several second year courses are now divided into sections, a practice which has been greatly developed during the last few years. The present entering class is about the same size as that of last year. The total registration in the School is somewhat larger than formerly. Full statistics will appear in the December number.

THE GOVERNORSHIP OF KENTUCKY. — The consequences of the dismissal by the Supreme Court of the United States of the case of *Taylor* v. *Beckham*, 20 Sup. Ct. Rep. 890, for want of jurisdiction, are far-reaching, as well by reason of the political significance of the judgment, as because of the importance of a legal question involved. The election laws of Kentucky provided that all contested elections were to be tried by a committee chosen by lot from the members of the legislature, who should hear the evidence and report to the legislature, which body should determine the contest. The State Board of Election Commissioners having declared Taylor elected to the office of governor, Goebel, and at his death Beckham, contested the election. A contest board, chosen according to the forms of the law, — but fraudulently, as Taylor alleged, — heard the evidence, and reported in favor of Beckham. The legislature, without demanding the evidence, accepted this report as it stood and adjudged in favor of Beckham. Upon Taylor's refusal to surrender the perquisites of the office, Beckham brought *quo warranto* proceedings in the State Court, and obtained a judgment of ouster. Taylor then appealed and urged, among other things, that there had been fraud in the choice of the contest board, and that the legislature in accepting the report of that board acted without evidence and arbitrarily. The Kentucky Court of Appeals sustained the judgment on the grounds that the court could not question the validity of the legislature's record of the proceedings, and that the case did not come within the Fourteenth Amendment, as the office of governor was purely political and not property. Upon this latter point error was brought to the Supreme Court of the United States, where the case was dismissed for want of jurisdiction, the majority of the court holding that the right to a public office of a state was not protected by the Fourteenth Amendment. Mr. Justice Brewer, with whom concurred Mr. Justice Brown, while holding that a public office was property, nevertheless found due process of law in the fact that the forms of the election law had been complied with, and so concurred in the result. Mr. Justice Harlan, however, dissented strongly, and went so far as to say that the removal of Taylor from office was a deprival, according to the Fourteenth Amendment, not only of property but of liberty as well — the latter word meaning political freedom as well as protection from mere physical restraint; and that in determining what was due process of law regard must be had to substance and not merely to form.

Whether a public office may be considered as property within the Fourteenth Amendment seems never before to have been squarely decided in the Supreme Court. For the earlier Federal cases holding an office not to be property, *Butler* v. *Pennsylvania*, 10 How. 402, appear to have been disregarded of late years. In fact there are several decisions where the affirmative of this question seems to have been assumed, — and